

Express Mail Label No. EV 600000520  
Patent

24 FEB 2006  
ATTORNEY DOCKET NO.: Young-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hall *et al.*

Confirmation No. 5204

Serial No.: 10/527,764

Group Art Unit: 3617

Filed: March 11, 2005

Examiner: N/A

For: **BOAT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR FILING BY OTHER THAN  
ALL INVENTORS UNDER 37 CFR 1.47(a)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.47(a), John William Hall, hereby petitions for entry of his Declaration that he has executed on behalf of himself and on behalf of Kevin Hayes, a joint inventor who has refused to join in the above-identified application.

In support of this petition, applicant herewith submits a Declaration (Statement of Facts) by applicant's representative, Paul Price, dated February 22, 2006, detailing proof of pertinent facts showing that Kevin Hayes has refused to join the above-identified application.


The last known address of Kevin Hayes is 35 New Street, Wordsley, Stourbridge, West Midlands, DY8 5RX, United Kingdom.

Applicant respectfully requests that this petition be granted and that his Declaration be entered.

02/28/2006 GFREY1 00000136 502061 10527764  
01 FC:1464 130.00 DA

DATE: 2.24.06

Respectfully submitted,

  
Jeffrey M. Chamberlain  
Registration No. 55,044  
Attorney for Applicant(s)

PTO Customer No. 28581  
DUANE MORRIS LLP  
Telephone: 609-631-2446  
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RECEIVED TO 24 FEB 2005

Express Mail Label No. EV 601188520 US  
Patent

ATTORNEY DOCKET NO.: Young-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hall *et al.*

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Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF FILING ON BEHALF OF UNCOOPERATIVE  
INVENTOR KEVIN HAYES UNDER 37 C.F.R. § 1.47(A)

I, PAUL PRICE, hereby certify the following:

1. I am an associate patent attorney with the law firm of D Young & Co. in London, recently associated with the prosecution of the above-identified patent application on behalf of Sealine International Ltd., the assignee of the above-identified application.

2. This declaration is made upon facts of which I have first hand knowledge and which are relied upon to establish that diligent efforts were made to secure the execution of a declaration of inventorship by inventor Kevin Hayes, for the above-identified application in the United States Patent and Trademark Office.

3. Kevin Hayes is a named inventor of the above-identified patent application.

4. The last known address of Kevin Hayes is 35 New Street, Wordsley, Stourbridge, West Midlands, DY8 5RX.

5. On November 30, 2005, I sent Mr. Hayes a copy of the above-identified patent application, along with an unexecuted declaration, to his above-listed address with instructions requesting him to review the application, sign the unexecuted declaration, and return the executed declaration to my attention. I sent the materials to Mr. Hayes via DHL, and included a stamped addressed return envelope to enable him to return the executed form to me at D. Young & Co. An unsigned copy of the letter enclosed in the DIIL package, as well as a copy of the DHL shipment receipt and detailed shipment report showing the package was received at Mr. Hayes' above-listed address, are attached as Exhibit A.

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Patent

ATTORNEY DOCKET NO.: Young-3

6. On December 14, 2005, not having heard or received any response from Mr. Hayes, I sent another letter asking that he execute the declaration and return it to me, or in the alternative that he provide a written indication of his disinclination to sign. An unsigned copy of my December 14, 2005 letter is attached as Exhibit B.

7. I have not received any response to my November 30, 2005 and December 14, 2005 letters to Mr. Hayes.

8. Based on the foregoing, I have concluded that Mr. Hayes refuses to execute the declaration for the above-identified application.

9. I declare under the penalty of perjury under the laws of the United States that the statements provided above are true to the best of my knowledge.

DATE: 22nd February 2006

  
Paul PRICE

D Young & Co.  
120 Holborn  
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**PARTNERS**  
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 AND RENEWALS)  
 SHARON SEQUEIRA (TRADE MARK RECORDS  
 AND RENEWALS)  
 \* CHARTERED PATENT ATTORNEY AND EUROPEAN  
 PATENT ATTORNEY  
 † EUROPEAN TRADE MARK ATTORNEY  
 \* PATENT AGENT LITIGATOR

**COPY**

**EXHIBIT "A"**  
**D. YOUNG & CO.**

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 EUROPEAN PATENT ATTORNEYS  
 EUROPEAN TRADE MARK ATTORNEYS  
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Kevin Hayes  
 35 New Street  
 Wordsley  
 Stourbridge  
 West Midlands  
 DY8 5RX

Our Ref: P015207US PP DEB

30<sup>th</sup> November 2005

**By D.H.L. Courier**

Dear Kevin,

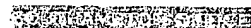
**New US Patent Application No. 10/527,764**  
**Informal Title: Slidable TV in Coaming**  
**Formal Title: Boat**

I am writing to you today to ask for your help in signing a form for this US patent application.

By way of background explanation, we here at D. Young & Co. filed an International (or Patent Cooperation Treaty) patent application for Sealine International Limited for this invention in 2003 based on or claiming priority back to an equivalent UK patent application filed a year previously in 2002, and earlier this year we instructed a firm of US patent attorneys to follow a standard procedure in order to bring into existence a US patent application derived from the International application.

For any US patent application, the US Patent & Trademark Office (USPTO) requires the inventors to sign a Declaration verifying their status as an inventor. I enclose herewith:-

- the relevant **Declaration For Patent Application** form for this invention.
- a copy of the **specification of the US patent application** comprising the specification (description pages 1-4, claims pages 5-6, abstract page 7, and drawing sheets 1/4 to 4/4) of the PCT application and a "Preliminary Amendment" filed at the time of bringing into existence the US patent application and comprising six pages containing (on pages 3-5 thereof) some amendments to the claims to place them in greater conformity with US practice. You need to have had sight of this documentation before signing the above form.



30<sup>th</sup> November 2005

- 2 -

**EXHIBIT "A"**  
**D. YOUNG & CO.**

Your co-inventor John Hall has already signed a separate form, and I am today asking you if you would be kind enough to sign this particular form verifying that you are one of the inventors of the invention described in the US patent application. In that way, we will have the signatures of both inventors declaring their inventorship status, which will keep the USPTO happy.

I enclose herewith a stamped addressed return envelope to enable you to return the executed form to myself here at D. Young & Co.

I understand that Sealine International Limited sent you a form in September, but you did not wish to sign at that time. I am writing this letter to you today because you may not have been sent the above copy of the US version of the specification in addition to the form itself.

I do hope that you will be amenable to signing the form being sent to you with this letter, but if for some reason you still wish to decline to sign please let me have a written indication of your disinclination to sign, e.g. by means of annotating this letter and returning it to me with a brief message thereon accompanied by your signature and the date.

In this way, we would be able to follow a procedure at the USPTO of explaining that the form and the specification had been presented to you for signature, but that you declined to sign the form. The US patent application should then still be able to proceed on that basis.

Yours sincerely,  
for D Young & Co

Paul Price

## These are the results of your query

Times given are local to the service area in which the shipment checkpoint is recorded

Airwaybill Number	Origin Service Area	Destination Service Area	Status
<u>1213493212</u>	<u>London-Heathrow - UK</u>	<u>Birmingham - UK</u>	Signed for by: HAYES Shipment delivered December 02, 2005 10:02

### 1213493212 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
November 30, 2005	16:53	London-Heathrow - UK	Shipment picked up
November 30, 2005	19:30	London-Heathrow - UK	Departing origin
December 01, 2005	05:56	East Midlands - UK	Departed from DHL facility in East Midlands - UK
December 01, 2005	07:15	Birmingham - UK	Arrived at DHL facility
December 01, 2005	08:23	Birmingham - UK	With delivery courier
December 01, 2005	10:59	Birmingham - UK	Delivery attempted; recipient not home
December 02, 2005	08:18	Birmingham - UK	With delivery courier
December 02, 2005	10:02	Birmingham - UK	Shipment delivered

EXHIBIT "B"



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Kevin Hayes  
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DY8 5RX

Our Ref: P015207US PP DEB

14<sup>th</sup> December 2005

Dear Kevin,

**New US Patent Application No. 10/527,764**  
**Informal Title: Slidable TV in Coaming**  
**Formal Title: Boat**

I hope that you safely received my letter of 30<sup>th</sup> November 2005 asking if you would be kind enough to sign a form enclosed with that letter.

Please would you be kind enough either (i) to sign, date and return the form to me or (ii) to provide a written indication of your disinclination to sign. I hope that (i) will be possible, but if you wish to follow (ii) please feel free to annotate this letter with a brief message thereon accompanied by your signature and date and then return the letter to me in the enclosed stamped addressed return envelope.

If you have any queries, please let me know. I look forward to hearing from you. In the meantime, I wish you a Happy Christmas and Happy New Year.

Yours sincerely,  
for D Young & Co

Paul Price

